

# SENATE RECORD VOTE ANALYSIS

105th Congress  
2nd Session

Vote No. 47

March 26, 1998, 7:25 pm  
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## MEXICO DRUG DECERTIFICATION/Rejection

**SUBJECT:** A resolution disapproving the President's certification that Mexico cooperated fully with United States efforts to combat international narcotics trafficking during 1997 . . . S. J. Res. 42. Passage.

### ACTION: JOINT RESOLUTION DEFEATED, 45-54

**SYNOPSIS:** As discharged from the Foreign Relations Committee, S.J. Res. 42 will disapprove the President's certification that Mexico cooperated fully with United States efforts to combat international narcotics trafficking during 1997. Enactment of the resolution will automatically require the United States to withhold bilateral aid from Mexico and to oppose the provision of multilateral aid to Mexico.

**NOTE:** By law, the President must annually identify and notify Congress of those countries that he has determined are major illicit drug producing or illicit drug transit countries. For each of those countries, he must then either certify that it is fully cooperating with international counternarcotics efforts or must withhold bilateral aid and oppose multilateral aid. The President is allowed to waive the restrictions on a country that is not cooperating if he determines that it is in the vital national interests of the United States to grant a waiver. Under Senate rules, the Senate may use expedited procedures to consider a bill to disapprove a presidential certification. The text of such a bill is strictly limited to disapproving the certification; it may not be amended, and it must be passed within 30 days of a certification. In this case, the Senate had until March 28 to pass a decertification bill using expedited procedures.

The Senate began consideration of S.J. Res. 42 after the Democratic Leader objected to the consideration of S.J. Res. 43. S.J. Res. 43 would also have rejected Mexico's certification, but it would have added a waiver provision that would have permitted the President to continue both bilateral assistance and multilateral development assistance if he determined that so doing was in the "vital national interests of the United States." S.J. Res. 43 could not be considered using expedited procedures because it had the addition of the waiver provision. The Majority Leader took up the privileged resolution in order to avoid a filibuster.

**Those favoring** the resolution contended:

(See other side)

YEAS (45)			NAYS (54)			NOT VOTING (1)	
Republicans (30 or 56%)	Democrats (15 or 33%)		Republicans (24 or 44%)	Democrats (30 or 67%)		Republicans (1)	Democrats (0)
Allard	Helms	Boxer	Abraham	Akaka	Kennedy	Inhofe- <sup>2</sup>	
Ashcroft	Hutchinson	Byrd	Bennett	Baucus	Kerrey		
Bond	Kempthorne	Conrad	Burns	Biden	Kerry		
Brownback	McConnell	Dorgan	Campbell	Bingaman	Landrieu		
Coats	Murkowski	Durbin	Chafee	Breaux	Lautenberg		
Collins	Nickles	Feingold	Cochran	Bryan	Levin		
Coverdell	Santorum	Feinstein	DeWine	Bumpers	Lieberman		
Craig	Sessions	Harkin	Domenici	Cleland	Mikulski		
D'Amato	Shelby	Hollings	Gorton	Daschle	Moynihan		
Enzi	Smith, Bob	Kohl	Grassley	Dodd	Reed		
Faircloth	Snowe	Leahy	Hagel	Ford	Reid		
Frist	Specter	Moseley-Braun	Hatch	Glenn	Robb		
Gramm	Stevens	Murray	Hutchison	Graham	Rockefeller		
Grams	Thomas	Torricelli	Jeffords	Inouye	Sarbanes		
Gregg	Thompson	Wyden	Kyl	Johnson	Wellstone		
			Lott				
			Lugar				
			Mack				
			McCain				
			Roberts				
			Roth				
			Smith, Gordon				
			Thurmond				
			Warner				

#### EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

#### SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

The war on drugs is being lost both in the United States and in Mexico. In Mexico, the situation is critical and is getting worse daily. Criminal drug money and violence are so pervasive that Mexico's democracy is being undermined. Drug cartels are poisoning Mexico, and if their growth is not soon stemmed they will prove to be a lethal injection for Mexican democracy. The United States, by some measures, has partially retreated from the war on drugs, but it is still making huge efforts. The surge in drug use in America has not come primarily because U.S. efforts have declined. In Mexico, though, virtually nothing is being done to combat the surge in drug trafficking, and many Mexican law enforcement officials and other officials are actively involved in the illegal narcotics trade. This problem will not be brought under control if we, and Mexico, do not even dare admit it exists. The President was wrong to certify that Mexico is fully cooperating with efforts to stop the drug trade, and Congress should therefore disapprove that certification.

We understand and share our colleagues' concern over the sanctions that will be required if certification is denied. Those sanctions will have little or no effect economically because Mexico does not need economic assistance, but they will send the message that the United States wants to punish Mexico. That message is false. The purpose of denying certification is to admit that the problem exists. We had another resolution to offer that would have allowed the President to waive the sanctions, but that resolution was not protected from a filibuster under the Senate rules. Those Senators who oppose decertification made clear that they would filibuster that other resolution. They did not do so because they prefer the terms of this resolution; they did so for tactical reasons. They knew that the resolution that had a waiver provision had enough support to pass, but the simple decertification resolution before us did not and does not have enough votes. Our colleagues have deliberately forced the Senate into a choice between two bad alternatives, and have prevented passage of a good solution that is supported by a clear majority of Senators.

Though we do not wish to insult Mexico by imposing sanctions, we feel we must, because the consequences of the other alternative, pretending that everything is going well, will be much more disastrous for both countries. The flow of narcotics from Mexico is growing, as is the influence of the drug cartels. The Drug Enforcement Agency believes that Mexico is now the transit station for 50 percent to 70 percent of the cocaine, 25 percent to 33 percent of the heroin, 80 percent of the marijuana, and 90 percent of the ephedrine used for methamphetamine entering the United States. Mexico has begun to cooperate with the United States politically, but it is utterly failing at the law enforcement level. Though the prices of illegal drugs have fallen by two-thirds in the United States in the last 5 years due to the enormous increase in supply from Mexico, drug seizures in that country have fallen dramatically. In 1991, Mexican police seized 50.3 metric tons of cocaine, and in 1996 they seized only 23.6 tons; in 1994, they seized 297 kilograms of heroin, and in 1996 they seized only 115 kilograms; in 1992 they made 27,392 drug arrests; in 1997 they made 10,572 arrests. Those arrests are not of top drug dealers; those dealers face threats, but only from rival cartels and from factions within their own cartels. One recent bloody power struggle within a cartel produced more than 50 murders in and around Juarez. With some fanfare a few lower-tier drug cartel members have been arrested, but the rich leaders operate with total impunity. They will not be arrested because many elected officials, police, and judges are on their payrolls, and those who are not and who dare to cross them are murdered. Part of the problem is that Mexico's law enforcement agencies have been heavily corrupted. Efforts have been made to fight that corruption but they have not been sufficient. For instance, of the 870 Federal police officials who have been dismissed so far for being involved with the drug cartels, 700 have been rehired and none has been successfully prosecuted. The problem is so bad that Mexico recently fired the equivalent of its drug czar for being corrupt. Even in the one area that has shown some real progress, air interdiction, some of the officers who have been trained by the United States have been found transporting drugs in their aircraft.

The United States has 27 pending extradition requests for many of the major drug lords. It appears that some progress is being made on that front, but, so far, after years of requests, not one major or minor drug criminal has been extradited. Thus, not only is Mexico unwilling to enforce its laws, it is also actively blocking the enforcement of United States laws. The United States is expending a great deal of money trying to deal with the flood of drugs pouring over the border. In 1998, it will spend nearly \$16 billion on the effort (\$5.37 billion on demand reduction, \$1.62 billion on interdiction, and \$8.4 billion on law enforcement). In the past few years Congress has greatly increased the level of funding to combat drugs, but it is fighting a losing battle as long as drug dealers have a safe haven in Mexico.

Last year, Mexico finally passed a law against money-laundering, but we still have not seen any results from that act. Drug dealers are able to move hundreds of millions of dollars through Mexican banks. Further, even if that act is enforced, we doubt that it will have much effect because it does not carry criminal penalties, and the civil penalty, 10-percent of a transaction, may still be less than the profit that a bank makes for engaging in illegal money-laundering.

The most disturbing lack of progress has been in law enforcement cooperation. The DEA and other law enforcement agencies cannot work with Mexican agencies because they cannot trust them. Even small law enforcement task forces that have been set up to showcase the possibility of cooperation have failed because the United States has had information that drug cartels have managed to get corrupt officers into those task forces. Cooperation is so poor that the DEA does not know of a single instance in the past year in which Mexico has provided any information that has led to a significant drug arrest.

The United States bears tremendous human and social costs from the huge flow of cheap addictive drugs from Mexico, but for

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Mexico the costs may prove even greater. The drug cartels are becoming more powerful than the Mexican government. Drug money can take over a democracy, as it did in Colombia. We cannot, and should not, pretend that this problem does not exist. Mexico is not fully cooperating in the war on drugs, so we must support this resolution.

**Those opposing** the resolution contended:

All Members, the Mexican Government, and President Clinton oppose illegal drug use and are committed to stopping it. The question before us is how to proceed. Unquestionably, drug cartels have grown tremendously in recent years in Mexico. From Mexico's point of view, these cartels would not exist if it were not for the huge demand for illegal drugs in the United States. The United States, with 5 percent of the world's population, consumes more than 50 percent of the world's illegal drugs. The Mexican Government is not at all pleased that its development efforts are being undermined by the huge amount of illegal drug money that